

Alexandria Division

STATEMENT OF FACTS

2. When the defendant decided to issue one of these credits, he spoke to a Home Depot sales clerk who had access to one of the store's cash register computer terminals. The defendant would tell the clerk that there was a customer with an existing account who had a customer satisfaction issue and that the customer was due a credit or refund. The defendant

would tell the clerk the amount of the credit and provide the identifying information for the customer's account to receive the credit. The defendant would record a brief reason for the credit on a written form.

3. On 42 occasions between March 2003 and January 2005, the defendant provided the sales clerks with false information about the customer satisfaction issues and the credits due. The defendant asked the clerks to transmit the amounts to be credited to the named customers' accounts, but instead of providing account numbers for the customers, the defendant provided account information for his own account. As a result on each of these 42 occasions, the defendant caused the Home Depot sales clerks to credit to his personal checking account at the USAA Federal Savings Bank in San Antonio, Texas, amounts of money totaling \$66,336.22. All of the credits were conducted through the use of interstate wire communications. The communications traveled from the Home Depot store in Falls Church, Virginia, to Home Depot's and USAA Federal Savings Bank's credit processors, and ultimately to the bank in Texas.

4. Between March 2003 and January 2005, the defendant used the funds he fraudulently had transferred to his personal checking account for, among other things, personal expenses, including clothes, travel, and a personal computer.

5. The defendant committed the above-described acts knowingly, intentionally, and with fraudulent intent, and not because of accident, mistake, or other innocent reason.

Respectfully submitted,

Paul J. McNulty
United States Attorney

By:

Louis J. Ruffino
Special Assistant United States Attorney
Jack Hanly
Assistant United States Attorney

Defendant's Stipulation and Signature

After consulting with my attorney and pursuant to the plea agreement I entered into this day with the United States, I hereby stipulate that the above statement of facts is true and accurate. I further stipulate that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Date: _____

Daniel Schoultz
Defendant

Defense Counsel's Signature

I am Daniel Schoultz's attorney. I have carefully reviewed the above statement of facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: _____

Robert Hill
Counsel to the Defendant